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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,078	10/11/2001	Gary Stingham	10008032-1	1563

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80572-2400

EXAMINER

DIVINE, LUCAS

ART UNIT PAPER NUMBER

2624

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/976,078	Applicant(s) STINGHAM, GARY	
	Examiner Lucas Divine	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-7, 15-21 and 23.

Claim(s) objected to: _____.

Claim(s) rejected: 8-14 and 22.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.


KING Y. POON
PRIMARY EXAMINER

Continuation of 5. Applicant's reply has overcome the following rejection(s): 103 rejections to claims 1, 15, and 23 (and therefore also dependents).

Response to Arguments

1. Applicant's arguments with respect to claims 1, 15, and 23 that the Word Processing application of Labarge cannot be reasonably read as a printer driver have been fully considered and are persuasive. The rejections of claims 1, 15, and 23 have been withdrawn. Examiner had previously read the claim with the broad reasonable interpretation of a printer driver as 'computer executable code that drives a printer for printing', and thus the word processing software of Labarge that sends data to a printer read on the claim limitation. Since applicant has submitted that 'a printer driver is a piece of software specific to a given printer that formats a print job according to a specific operation of that printer.' Examiner accepts this more limited definition what the applicant is claiming when the term 'printer driver' is used. Labarge does not teach that the word processing program does this feature, and no prior art has been found in thorough search that has any type of human/natural language translation features being performed by a printer driver. Thus, the rejections are withdrawn.

2. Applicant's arguments regarding claims 8, 10, and 11 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding claim 8 that the combination does not teach 'in conjunction with submitting said print job to a printing device'.

In reply, the term in conjunction is a broad term that can mean 'along with' 'at the same time' 'cooperating with' etc. Since the word processing can do both operations of translation and submitting a print job in the same user session or on the same document or other examples of

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relation between the two, Labarge teaches this feature. Further, the claim is a method claim, thus a user (or anything else that can perform methods) can perform the operations in conjunction. Therefore the rejection is maintained.

With respect to applicant's arguments regarding claim 8 that the combination does not teach 'prompting a user'.

In reply, once a user selects translation in box 215 they are prompted by box 220 to make their selections, which is what the limitation reads 'prompting ... to provide user input in selecting one or more languages'. Thus the rejection is maintained.

With respect to applicant's arguments regarding claims 10 and 11 that the combination does not teach the claimed limitations.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Further the combination of Chong and Labarge does not specifically teach in the selection of how many hardcopies of each print job for each user.

Neilsen teaches selecting the number of hardcopies to print for a print job (Fig. 2). It would have been obvious to one of ordinary skill in the art that for each translation of Chong it would be beneficial to be able to select how many copies for that language/person. The motivation for doing so would be to allow multiple people (at one address) receive multiple

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copies of a job. For example, if one of the users being sent to is in an office that prefers German, that person could be sent 10 copies of German translation for the whole office, and so forth. Thus, adding a number of hardcopies option to the selections of Chong Fig. 2 would have been obvious to one of ordinary skill in the art.

While the combination teaches choosing a user to translate and print for, including how many copies, the combination does not specifically disclose selecting an output receptacle for the jobs to be output. Further, Chong and Labarge and Neilsen all teach a printer, but they do not go into specifics in the operation of the paper ejection units.

Aihara teaches associating a user with an output bin (Figs. 11 and 13).

It would have been obvious to one of ordinary skill in the art that if the different users selected in Fig. 2 of Chong/Labarge were picking up the jobs at the local printer (suggested in Fig. 1 of Chong), that it would be beneficial to have separate bins for the users. The motivation for doing so would have been to place different translations in different bins so who gets the jobs with a specific language is not mixed up. For example, in Fig. 13 of Aihara, different users are associated with bins. So User A could be associated with ADDR#1 (Chong Fig. 2) and the language could be Chinese, but both users C (ADDR#3) and E (ADDR#5) could both request Spanish. Thus, the system could output the languages to separate bins to prevent mix-ups of what users get what jobs. As shown in Chong, giving routing information for the user/translation for the user is already taught. So, in the combined system, the routing would be which receptacle the output would be placed in for that user and may not be initially setup in the beginning, thus reducing setup time for the translation/print job.

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In this configuration of combination, since the user can input the number of copies of the document in the various languages (as already in the combination of Chong, Labarge, and Neilsen) and the copies printed are to be output to specific output receptacles (as associated with their selected user) the claim limitations are met.

Since the combination performs all of the limitations, the rejection is maintained.